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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/522,705 | 11/14/2005 | Geraldine Martin | PLAS-030 | 9359 |
| 32954 | 7590 | 07/02/2008 | EXAMINER | |
| JAMES C. LYDON 100 DAINGERFIELD ROAD SUITE 100 ALEXANDRIA, VA 22314 | | | MOORE, MARGARET G | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 1796 | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/522,705

Applicant(s)

MARTIN ET AL.

Examiner

Margaret G. Moore

Art Unit

1796

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 to 12 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1 to 12 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/55/08)
Paper No(s)/Mail Date 1/28/05
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____

Art Unit: 1796

1. Claims 1 to 12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In all of the claims, the Examiner suggests getting rid of language such as "preferably" and "such as" as they do not clearly define the intended scope of the claim.

Claim 1:

The phrase "-li = positive integer-" makes no sense. This applies as well to "-lii = positive integer-". Likewise " $li \geq 2$ and $lii \geq 2$ " is confusing.

Reference to "- stage li=1" is confusing.

It is unclear right is intended by "right to the core".

It is unclear if the crosslinking stage must be completed by curing in a fan over for 30 minutes at 150°C. On one hand, the claimed method merely states the stage of crosslinking but subsequently the method refers to specific crosslinking conditions required for testing certain properties.

The entire phrase "and furthermore being fluid... or to emulsification" makes no sense and is confusing.

Claim 3:

It is not clear from the phrase "at least one stage III" what is intended since stage III includes an optional step. Also it is unclear what is intended by "stage li ≥ 2 for application...". This claim is simply confusing.

Claim 4:

It is unclear what is intended by the phrase "which has no unfavorable effect on the activity of the catalyst". Not only is this confusing but this language appears to be redundant since Z is subsequently fully defined.

The definition of the formula (a.2) inappropriately defines W instead of Z.

Claim 5:

It is unclear what is intended by the phrase "which has no unfavorable effect on the activity of the catalyst". Not only is this confusing but this language appears to be redundant since L is subsequently fully defined.

Claim 9:

Art Unit: 1796

It is unclear what is intended by "right to the core".

While it is unclear what is actually intended by this claim, the Examiner questions whether or not this claim is actually further limiting.

Claim 10:

It is unclear what is intended by "which is a constituent".

It is confusing why "chlorofibres" and "fluorofibres" are in quotation marks. The scope of this is unclear.

Claim 12:

It is unclear what is intended by "it" in this claim.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1 to 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mueller et al.

Muller et al. teach a method for treating architectural articles (column 7, line 42) which includes treating an article with a silicone rubber composition containing components (a), (b) and (c) as claimed. See column 2, lines 5 and in, column 3, line 5 and on, and column 4, lines 3 and on. These teachings meet the requirements of claims 4 and 5. Column 6, lines 23 to 25, teaches a viscosity range that embraces that claimed. From this one having ordinary skill in the art would have found a viscosity range within the claimed range to have been obvious. Please see the properties associated with the treated material, as found on for instance in Example 1, which meets the various properties claimed. With regard to the capillary rise, please note that products of identical chemical composition can not have mutually exclusive properties. A chemical composition and its properties are inseparable. Therefore, if the prior art teaches the

Art Unit: 1796

identical chemical structure, the properties applicant discloses and/or claims are necessarily present.

For claim 2, note that column 7, line 46, teaches padding.

For claim 6, note that such a ratio would have been obvious to one having ordinary skill in the art since the skilled artisan would realize that one generally allows for a molar ratio slightly higher than and/or slightly lower than a 1:1 ratio to provide adequate crosslinking and curing.

For claims 7 and 8, note that column 5, lines 47 and on, teaches such adhesion promoters.

For claim 10, note the various material taught on column 7. In addition, Example 1 uses a fibrous glass support.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Margaret G. Moore whose telephone number is 571-272-1090. The examiner can normally be reached on Monday and Wednesday to Friday, 10am to 4pm.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Margaret G. Moore/
Primary Examiner, Art Unit 1796

Margaret G. Moore
Primary Examiner
Art Unit 1796

mgm
6/30/08